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December 22, 1978

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ATTORNEY GENERAL OPINION NO. 78- 386

The Honorable Harold R. Riggs  
District Judge, Division No. IV  
Johnson County Courthouse  
Olathe, Kansas 66061

Re: Courts--Law Library Fees--Disposition

Synopsis: Library fees assessed pursuant to K.S.A. 1977 Supp. 19-1322 are not a part of the "revenues received by the county for deposit in the county general revenue fund from court costs and fees" to be considered in computing counties' obligations to the state under ch. 108, § 3(c)(2)-(4). The proceeds of such library fees remain committed to the establishment and maintenance of the law library, and are not committed to the county general revenue fund.

\* \* \*

Dear Judge Riggs:

As chairman of the board of trustees of the Johnson County, Kansas, Law Library, you inquire concerning the application of ch. 108, § 3, L. 1978, to library fees collected by the clerk of the district court pursuant to K.S.A. 1977 Supp. 19-1322.

Section 3 of ch. 108, L. 1978, provides that counties shall assist the state in paying the non-judicial personnel costs of the district courts by paying to the state the amounts prescribed in that section. For the fiscal period commencing July 1, 1979, and ending June 30, 1980, the counties must pay an amount consisting in part of "twenty-five percent (25%) of the revenues received by the county for deposit in the county general revenue fund from court costs and fees during such period." For the succeeding twelve

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month fiscal period, the portion of such revenue required to be paid to the state increases to fifty percent, and thereafter, all such revenues are required to be paid over to the state.

You inquire whether library fees collected pursuant to K.S.A. 1977 Supp. 19-1322 are part of the "revenues received by the county for deposit in the county general revenue fund from court costs and fees during such period." K.S.A. 1977 Supp. 19-1322 was first enacted in 1966 as section 4 of ch. 137. K.S.A. 1977 Supp. 19-1320 is a part of that enactment, and provides in pertinent part thus:

"All fees collected pursuant to K.S.A. 19-1319 [registration fees] shall be used to establish and maintain the county law library. A board of trustees . . . shall have the management and control of such library and shall use the fees paid for registration, and all other sums . . . provided by law, for the purpose of establishing and maintaining such library . . . .

The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees, or a majority thereof, shall direct." [Emphasis supplied.]

The library fees prescribed by K.S.A. 1977 Supp. 19-1322 are "other sums . . . provided by law for the purpose of establishing and maintaining" the law library. When collected, they are not deposited in the county general fund, but are held by the clerk of the district court as treasurer of the library, to be disbursed only upon the direction of the library board of trustees. In addition, the board is authorized to invest any idle funds so collected in investments authorized by K.S.A. 1977 Supp. 12-1275.

In short, library fees as authorized by K.S.A. 1977 Supp. 19-1322, and library registration fees collected from attorneys, are not funds which are committed by law to the county "for deposit in the county general fund from court costs and fees . . . ."

The docket fee authorized by K.S.A. 60-2001 is, of course, credited to the county general fund. Subsection (c) thereof states thus, however:

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"Any costs assessed for statutory fees for the stenographer, judges' retirement and law library and the bar docket fee shall be deducted from the docket fee, and the balance of such fee in each case shall be paid to the county treasurer." [Emphasis supplied.]

Thus, the law library fee is not, as stated above, a part of the court costs and fees which are credited to the county general fund, and accordingly, may not be considered in computing the contributions required of the counties under ch. 108, § 3, L. 1978. Library fees remain committed to the establishment and maintenance of the respective court libraries, and are not available to bear any portion of the county's obligations under that section.

Yours truly,

  
CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj